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**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

MICHAEL TODD SANZO,

Plaintiff,

VS.

11 || JAMES C. COX, *et al.*,

12 || Defendants.

3:13-cv-00406-RCJ-WGC

ORDER

14 Plaintiff, a Nevada state inmate who has been released on parole since commencing
15 this action, has filed an application (#1) to proceed *in forma pauperis* seeking to initiate a civil
16 rights action.

The pauper application submitted while in custody was incomplete. Both a financial certificate properly completed and executed by an authorized institutional officer on the required form and a statement of the plaintiff's inmate trust fund account for the past six months are required by 28 U.S.C. § 1915(a)(2) and Local Rule LSR1-2. Plaintiff attached a state court financial certificate and a copy of a state district court order on a pauper application in a state court case. He did not attach either a financial certificate on this Court's required form or a statement of his inmate trust fund account for the prior six months.¹

24 It does not appear from review of the allegations presented that a dismissal without
25 prejudice of the present improperly-commenced action would lead to a promptly-filed new

²⁷ Plaintiff was assisted by an inmate with extensive prior prison litigation experience in this District.
²⁸ The submissions presented with the pauper application provide no valid justification for plaintiff not submitting the required financial materials with the application.

1 action being untimely. The earliest operative facts allegedly occurred in June 2012, and a
2 two-year limitations period is applicable to civil rights actions arising out of Nevada. Moreover,
3 it appears that plaintiff has been released from physical custody. He therefore would be able
4 to file a new action that would not be subject to the fee payment requirement and certain
5 other provisions of the Prison Litigation Reform Act. While the allegations of the complaint,
6 if true, would present a potentially viable claim of deliberate indifference to serious medical
7 needs, plaintiff sought only monetary damages in the complaint. Now that plaintiff is out of
8 custody, he may file a new action for such relief, potentially after securing the services of
9 counsel.²

10 IT THEREFORE IS ORDERED that the application to proceed *in forma pauperis* (#1)
11 is DENIED and that this action shall be DISMISSED without prejudice to the filing of a new
12 complaint in a new action together with either a new pauper application or payment of the
13 \$350.00 filing fee.

14 IT FURTHER IS ORDERED that all pending motions are DENIED without prejudice.

15 The Clerk of Court shall SEND plaintiff a copy of the papers that he filed along with the
16 complaint and non-prisoner pauper forms and instructions for both forms.

17 The Clerk shall enter final judgment accordingly, dismissing this action without
18 prejudice.

19 DATED: This 16th day of October, 2013.

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22 ROBERT C. JONES
23 Chief United States District Judge
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28 ²Plaintiff at all times remains responsible for properly commencing a timely action, whether or not
represented by counsel.